

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

THE RELIGIOUS SISTERS OF
MERCY; SACRED HEART
MERCY HEALTH CARE
CENTER (Jackson, MN);
SACRED HEART MERCY
HEALTH CARE CENTER (Alma,
MI); SMP HEALTH SYSTEM;
UNIVERSITY OF MARY;

- and -

STATE OF NORTH DAKOTA,

Plaintiffs,

v.

SYLVIA BURWELL, Secretary of
the United States Department of
Health and Human Services; and
UNITED STATES DEPART-
MENT OF HEALTH AND
HUMAN SERVICES,

Defendants.

No. 3:16-cv-00386-RRE-ARS

**PLAINTIFFS' MOTION FOR LEAVE
TO EXCEED PAGE LIMITATION**

Pursuant to N.D. Civ. L.R. 7.1(C), the Plaintiffs—the Religious Sisters of Mercy, Sacred Heart Mercy Health Center (Jackson, MN), Sacred Heart Mercy Health Center (Alma, MI), SMP Health System, the University of Mary, and the State of North Dakota—respectfully request leave of the Court to file a Memorandum in support of their Motion for Preliminary Injunction in excess of the twenty-page limit. Local Rule 7.1(B) allows twenty pages for a memorandum in support of a preliminary injunction. Plaintiffs respectfully request an additional twenty pages. Plaintiffs conferred with Defendant about this motion but Defendants do not yet have a position on it.

This lawsuit challenges a 300-page Regulation that requires Plaintiffs to provide and pay for gender transition procedures and abortions even when doing so would violate Plaintiffs' religious beliefs and medical judgment. Key provisions of the Regulation take effect on January 1, 2017, and threaten Plaintiffs with imminent harm and loss of their statutory and constitutional rights. Plaintiffs request additional pages so they can provide the Court with an adequate explanation of the Regulation and the way it imposes irreparable harm on the six different Plaintiffs.

Plaintiffs also request additional pages because the Regulation violates federal law and the constitution in multiple ways, and Plaintiffs need additional pages to provide an adequate analysis of the key legal issues. Although Plaintiffs will address only the most essential of their twenty claims in their Motion for a Preliminary Injunction, an additional twenty pages is necessary to adequately present the legal arguments the Court will need to resolve the motion.

Plaintiffs intend to file their Motion for a Preliminary Injunction this week, and respectfully request the Court rule on this Motion for Leave to Exceed Page Limitation on an expedited basis.

Respectfully submitted this the 14th day of November, 2016.

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| <p><u>/s/ Luke W. Goodrich</u> Luke W. Goodrich Stephanie H. Barclay The Becket Fund for Religious Liberty 1200 New Hampshire Ave. NW Suite 700 Washington, DC 20036 Telephone: (202) 349-7216 Facsimile: (202) 955-0090 lgoodrich@becketfund.org</p> <p><i>Counsel for Plaintiffs Religious Sisters of Mercy, Sacred Heart Mercy Health Care Center (Jackson, MN); Sacred Heart Mercy Health Care Center (Alma, MI); SMP Health System, and University of Mary</i></p> | <p><u>/s/ Wayne Stenehjem</u> Wayne Stenehjem Attorney General of North Dakota 600 E. Boulevard Avenue Bismarck, ND 58505-0040 Telephone: (701) 328-2210 Facsimile: (701) 328-2226</p> <p>Douglas A. Bahr Solicitor General N.D. Office of Attorney General 500 N. 9th Street Bismarck, ND 58501 Telephone: (701) 328-3640 Facsimile: (701) 328-4300</p> <p><i>Counsel for Plaintiff North Dakota</i></p> |
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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2016 the foregoing brief was served on Adam Grogg, counsel for Defendants, via email and first class mail.

/s/ Luke W. Goodrich
Luke W. Goodrich